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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/299,952	04/26/1999	RANDALL M. GEORGE	AT9-99-174	3894

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EXAMINER

VO, LILIAN

ART UNIT PAPER NUMBER

2127

DATE MAILED: 11/20/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/299,952

Applicant(s)

GEORGE ET AL.

Examiner

Lilian Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-5, 7-13, 15-18 and 20 - 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-13, 15-18 and 20 - 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 2 – 5, 7 – 13, 15 – 18, and 20 – 26 are presented for examination. Claims 1, 6, 14, 19 and 27 – 29 are cancelled.

#### ***Response to Arguments***

2. Applicants' arguments filed 9/3/03 have been fully considered but they are not persuasive for the reasons set forth below.

Regarding Applicants' remarks, page 7, last paragraph – page 8, 5<sup>th</sup> paragraph, on contrary to Applicants' arguments, if there were not any separation between the system-specific and user-specific changes, the system would not have been able to apply system specific changes on a per system basis (Piazza: col. 7, lines 15 – 62, col. 10, lines 2 – 55) and user specific changes on a per user basis (Piazza: col. 11, lines 5 – 65). Therefore, the two distinct types of changes as illustrated by Piazza inherently indicated the separation between user-specific and system-specific changes.

With respect to Applicants' remark, page 9, the Office would like to point out that claim 5 recites "...the snapshot may be configured to include or to exclude portions of data within the data processing system." Since claim 5 expresses the **OR** condition, the reference needs to show only one of either one of the limitations, in which all the necessary information and files that need to be configured for particular workstation are included with the specific installation (col. 3, lines 21 – 55, col. 5, line 65 – col. 6, line 67), as shown in the rejection for claim 5.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 3 – 5, 7 -13, 16 – 18, and 20 - 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Piazza et al. (US Pat 6,026,438).

Regarding **claim 3**, Piazza et al. disclose data processing system is a windows-based system (col. 4, lines 52 - 62).

Regarding **claim 4**, Piazza et al. disclose a state of the data processing system is captured by performing a snapshot of data within the data processing system (col. 6, lines 63 – 67, col. 7, lines 15 – 62, col. 8, lines 30 – 33).

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Regarding **claim 5**, Piazza et al. disclose the snapshot may be configured to include or exclude portions of data within the data processing (col. 3, lines 21 – 33, col. 4, lines 23 – 27, 42 – 51, col. 5, line 65 – col. 7, line 67).

Regarding **claim 7**, Piazza et al. disclose a method for identifying and storing changes to a data processing system within a distributed data processing system, the method comprising the computer-implemented steps of:

initializing the data processing system for a capture of an initial state of the data processing system (col. 3, lines 44 – 50, col. 6, lines 63 - 67);

modifying (col. 4, lines 23 - 27);

capturing the modified state (col. 6, lines 63 – 67, col. 7, lines 15 – 62, col. 8, lines 30 - 33);

storing differences between initial state and the modified state (col. 7, lines 15 – 39), wherein the differences are separated into system-specific changes (col. 7, lines 15 – 62, col. 8, lines 30 - 32), and user-specific changes (col. 11, lines 5 - 65);

wherein the system specific changes are applied on a per-system basis and the user-specific changes are applied on a per-user basis (col. 7, lines 15 – 62, col. 11, lines 5 – 65);

wherein the differences between the initial state and the modified state comprise differences between user files, system files, user registries, and system registries (col. 6, lines 63 – 67, col. 7, lines 13 – 62, col. 8, lines 27 -32, col. 11, lines 5 – 65, col. 10, lines 2 - 55); and

wherein the differences between user files and differences between user registries may be used to manage configurability of the application on a per-user basis (col. 11, line 5 – col. 12, line 36, “This will document personal templates, address book,

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contact list, and other personal data. Specifically, under Profile in the home directory, file USER.USR (in NT 4.0, this file is called NTUSER.DAT) stores all USER specific registry entries which is defined as HKEY.sub.-- CURRENT.sub.-- USER whenever a user logs onto a workstation.”)

Regarding **claim 8**, Piazza et al. disclose the differences between system files and differences between system registries may be used to manage configurability of the application on a per-system basis (col. 7, lines 13 – 62, col. 6, lines 63 – 67, col. 8, lines 27 - 32).

Regarding **claim 9**, Piazza et al. disclose the differences between .INI files (col. 6, lines 63 – 67, col. 7, lines 13 – 22).

Regarding **claim 10**, Piazza et al. inherently disclose the differences between .INI files is captured line-by-line (col. 6, lines 63 – 67, col. 7, lines 13 – 62). Piazza et al show the system configuration data before and after the install snapshot, which also include the differences between the ini files. Snapshot means an exact image, including every line in the files, is copied. Hence, comparing the differences between the files must include comparing each line in the file. Therefore, it is inherent that the differences between .INI files are captured line-by-line.

Regarding **claim 11**, Piazza et al. disclose the data processing system is modified by installing an application (abstract).

Regarding **claim 12**, Piazza et al. disclose the data processing system is modified by changing a registry file (col. 6, lines 63 – 67, col. 7, lines 13 – 62, col. 8, lines 27 -32, col. 11, lines 5 – 65, col. 10, lines 2 - 55).

Regarding **claim 11**, Piazza et al. disclose the data processing system is modified by changing a .INI. file (col. 6, lines 63 – 67, col. 7, lines 13 – 22).

**Claim 16** is rejected on the same ground as stated in claim 3 above.

**Claim 17** is rejected on the same ground as stated in claim 4 above.

**Claim 18** is rejected on the same ground as stated in claim 5 above.

**Claims 20 - 26** are rejected on the same ground as stated in claims 1, 8, 9, and 10 - 13 respectively.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piazza et al (US Pat 6,026,438) in view of Sondur et al. (US. Pat 6,282,568).

Regarding **claims 2 and 15**, Piazza et al. did not specifically disclose the distributed data processing system is a heterogeneous client-server system. However, the reference of Sondur et al. teaches of the distribution of automated management tools that provided support for heterogeneous network environments col. 1, lines 32-42). Therefore, it would have been obvious for one ordinary skill in the art, to consider implement Piazza et al.'s invention in the

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heterogeneous environment in order to provide more flexibility in any data processing system environment.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,442,684 B1, 6,314,565 B1 and US 6,167,567.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 703-305-7864. The examiner can normally be reached on Monday - Thursday, 7:30am - 5pm.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Grant can be reached on 703-308-1108. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Lilian Vo  
Examiner  
Art Unit 2127

lv  
November 10, 2003

  
MAJID A. BANANKHAHI  
PRIMARY EXAMINER